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On 06/11/03

TOWNSEND and TOWNSEND and CREW LLP

By: Jennifer K. Hardin
Jennifer K. Hardin

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

R.D. Nargessi

Application No.: 09/972,752

Filed: October 5, 2001

For: MAGNETIC ISOLATION AND
PURIFICATION OF NUCLEIC ACIDS

Examiner:

Art Unit: 1645

PETITION TO WITHDRAW HOLDING
OF ABANDONMENT UNDER MPEP
§711.03(c)II BASED ON FAILURE TO
RECEIVE NOTICE TO FILE MISSING
PARTS AND FILING RECEIPT

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Sir:

Applicant respectfully petitions to withdraw the holding of abandonment for the above-referenced patent application be withdrawn under M.P.E.P. § 711.03(c)II. In support of this petition, please consider the following:

According to the U.S.PTO, a Notice to File Missing Parts and Filing Receipt was alleged to have been mailed on November 19, 2001. A search of the file jacket and our docket records indicate that these documents were never received. In support of this statement, attached are copies of the docket report where the actions due for the non-received office communications would have been entered had they been received and docketed.

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Specifically, attached are relevant pages of Townsend and Townsend and Crew LLP's "Patent and Trademark Chronological Docket" for January 19, 2002 (2-month unextended response time) and February 19, 2002 (3-month or 1-month extended response time); March 19, 2002 (4-month or 2-month extended response time); April 19, 2002 (5-month or 3-month extended response time); May 19, 2002 (6-month or 4-month extended response time); and June 19, 2002 (7-month or 5-month extended response time. Since the dockets include other clients' matters, information specific to those matters has been redacted to preserve confidentiality. Relevant pages 367-390 reflecting January 19, 2002 due dates; pages 363-379 reflecting February 19, 2002 due dates; pages 370-398 reflecting March 19, 2002 due dates; pages 353-376 reflecting April 19, 2002 due dates; pages 341-369 reflecting May 19, 2002 due dates; and pages 370-402 reflecting June 19, 2002 due dates are enclosed. The client file number for this application is 013121-000410US. The client file numbers are listed numerically. A docket date corresponding to an official letter with a 2-month deadline would have appeared on page 368 of the January 19, 2002 docket; a docket date corresponding to an official letter with a 3-month deadline would have appeared on page 364 of the February 19, 2002 docket; a docket date corresponding to an official letter with a 4-month deadline would have appeared on page 372 of the March 19, 2002 docket; a docket date corresponding to an official letter with a 5-month deadline would have appeared on page 355 of the April 19, 2002 docket; a docket date corresponding to an official letter with a 6-month deadline would have appeared on page 343 of the May 19, 2002 docket; and a docket date corresponding to an official letter with a 7-month deadline would have appeared on page 371 of the June 19, 2002 docket (all where indicated by arrows) had there been a pending due date known to us, since the docket reports are sorted by due date and then by client file number.

Also, Applicant's representative called the Technology Center regarding the status and was informed that the application was abandoned for failure to Respond to the Notice of Missing Parts. Applicant requested to receive a copy of the documents by fax

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(copies enclosed). The Notice to File Missing Parts is dated November 19, 2001, and the Replacement Filing Receipt is dated April 16, 2003

Since these official documents were never received, Applicant was unable to file a timely response. As such, Applicant respectfully requests that the Examiner withdraw the holding of abandonment and issue a new Notice to File Missing Parts.

In addition, Applicant has not yet received the Notice of Abandonment.

The undersigned believes that no fee is due in view that the Filing Receipt and Notice to File Missing Parts were never received. However, if a fee is due, please charge Deposit Account No. 20-1430. Please charge any additional fees or credit overpayment to the above deposit account. This petition is submitted in duplicate.

Respectfully submitted,



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